

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JANUARY 3, 2006
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Jana Berg, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

Sgt. Mark Trull, Sheriff's Department

ABSENT: Huey Marshall, County Attorney

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Moore gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. The following adjustments were made:

1. Jana Berg, Assistant County Attorney requested to remove item X-3, Closed Session.
2. Commissioner Rabon informed that after the agenda was announced he was contacted by the Mayor of Leland who informed him that the Leland City Council will meet in Regular Session and will hold a Retreat this month and in one or both of these meetings, the Leland water situation will be discussed. Mayor Futch requested no action to be taken by the Board regarding the proposed water agreement. Commissioner Rabon requested to table Item VIII-7.
3. Ann Hardy, Fiscal Operations Director explained that the \$25,000 figure was inadvertently omitted from Item V-B-10.
4. Vice-Chairman Norris requested to add an appointment to the Southeastern Economic Development Executive Board as item IX-5.

Commissioner Sue moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. There were no comments from the audience.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

B. Finance (Exhibit Book 51, Attachment #1)

1) Health Fund Amendment 14

The Health Department has received additional state funding in the amount of \$15,021 for use in the Family Planning program 135164. These funds are restricted for use to support the purchase of long-acting contraception for low-income women and for the support of TANF- Out-of-Wedlock birth prevention. There are no additional county funds involved in this amendment.

2) Health Fund Amendment 15

The Health Department has received additional state funding in the amount of \$1,191 for use in the Partnership for Children Program (Smart Start) 135176. The request is to appropriate the funds for office supplies and materials. There are no additional county funds involved in this amendment.

3) Health Fund Amendment 16

The Health Department has received additional state funding in the amount of \$6,279 for use in the WIC Program 135169. These funds are restricted for use to support the WIC Program Client Services and Nutrition Education. There are no additional county funds involved in this amendment.

4) Social Services Fund Amendment 5

The Department of Social Services has received from the Division of Aging and Adult Services a funding authorization for the State Adult Day Care Fund in the amount of \$6,000. The request is to appropriate the funds for adult day care in the Aid to Aging program 145542. There are no additional county funds involved in this amendment.

5) General Fund Amendment 37

The County is in receipt of insurance proceeds for \$1,417 for damages from hurricane Ophelia. The Emergency Medical Services Department requests appropriation of the funds to replace the EMS Battery Support System that was damaged during hurricane Ophelia. There are no additional county funds involved in this amendment.

6) General Fund Amendment 40

The County has received supplemental funding in the amount of \$1,000 to provide Senior's Health Insurance Information Program (SHIIP) services to persons living within the county. The request is to appropriate the funds for office supplies and materials in the Cooperative Extension program 104950. There are no additional county funds involved in this amendment.

7) General Fund Amendment 42

The Sheriff's Department requested the rollover of \$2,485 of Weapons Storage Fees collected that were unspent at June 30, 2005 which rolled into the general fund balance at year end for expenditure in the fiscal year ending June 30, 2005. These Fees are implemented and designed to off-set the expense incurred for court ordered weapons and ammunition seizures. There are no additional county funds involved in this amendment.

8) Sewer Fund Amendment 4

The County received reimbursement in the amount of \$11,088 from Farmstead Development and LR Riversea for work performed on two lift stations by Sewer Field Operations 627220. The request is to replenish funds used to purchase parts and the installation of lift station panels. There are no additional county funds involved in this amendment.

9) Water Fund Amendment 7

Bell Swamp Tank Project Change Order # 2 was approved by the Board of Commissions on November 7, 2005. The request is to appropriate funds for capital outlay-improvements in Water Administration 617110 from the capital project Bell Swamp surge Tank in the amount of \$15,876. There are no additional county funds involved in this amendment.

10) Health Fund Amendment 17

The Board of Health approved the funding **(\$25,000) (added under Adjustments to the Agenda)** of temporary staff assistance in the Environmental Health Department. Health Department Escrow Funds will be used to replace County contributions in the Family Health Personnel Department. Those County funds will then be transferred to the Environmental Health Department for the funding of temporary staff. There are no additional county funds involved in this amendment.

11) IRS 2006 Standard Mileage Rates

The Internal Revenue Service issued the 2006 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Beginning Jan. 1, 2006, the standard mileage rates for the use of a car (including vans, pickups or panel trucks) will be 44.5 cents per mile for business miles driven. The new rate for business miles compares to a rate of 40.5 cents per mile for the first eight months of 2005. In September, the IRS made a special one-time adjustment for the last four months of 2005, raising the rate for business miles to 48.5 cents per mile in response to a sharp increase in gas prices, which topped \$3 a gallon. The standard mileage rates for business, medical and moving purposes are based on an annual study of the fixed and variable costs of operating an automobile. Staff recommends the Board of Commissioners adopt the IRS 2006 Standard Mileage Rate of 44.5 cents per mile in reimbursing employees for business travel via personal automobile occurring on or after January 1, 2006.

C. Parks & Recreation - North Carolina Parks and Recreation Trust Fund Application

To request approval of an application to the North Carolina Parks and Recreation Trust Fund to be used for the Ocean Isle Beach Park Project.(Exhibit Book 51, Attachment #2)

VI. PRESENTATION

1. Cooperative Extension Recognition – Susan Morgan

Martha Warner, Cooperative Extension Director explained that on September 14, 2005 Susan Morgan, Extension Agent, Family & Consumer Science was awarded First Place State Award for Community Collaboration efforts in Food Safety Education by the NC Association of Extension Family & Consumer Sciences. Due to travel restrictions, the award was not presented until December 7. This is a team award. As Team Leader, Susan Morgan recognized and presented

plaques to the following team members: Gary McDonald, Environmental Health; Rebecca Brandon, Brunswick County Schools-Department of Child Nutrition; Belinda Stroops-Brunswick Senior Resources; Marilyn Graham-Brunswick Community College & Brunswick County Health Department's Hispanic Education Programs; and Mary Lewis-FDA Public Affairs, Raleigh Post. (Exhibit Book 51, Attachment #3)

2. Cooperative Extension Recognition – Myra Burgess

Martha Warner explained that on November 30, 2005 Myra Burgess, Extension Nutrition Program Assistant with Brunswick County's Expanded Food and Nutrition Education Program (EFNEP) was recognized with two state awards. She was recognized as the Outstanding New Program Assistant, awarded to individuals who exceed their goals within the first two years of employment and also for outstanding program collaboration for outstanding approaches in delivering nutrition education to limited resource audiences. Myra Burgess and team members including Pearl Stanley, Extension Agent; Margaret Rosemand and Bess Fowler, Leland Resource Center; and Resea Willis, Director of Community Development Corp. "Project Uplift were recognized. (Exhibit Book 51, Attachment #4)

VII. PUBLIC HEARING

1. Planning – Map Amendment Z-05-10

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:51 p.m. and announced that the purpose of the Public Hearing was to receive public input regarding the Proposed Map Amendment Z-05-10.

Leslie Bell, Planning Director explained the following:

Item 1 (Z-456 – Tim Johnson)

Item 1 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) to MR 3200 (Multifamily Residential) would allow for multi-family use of Tax Parcel 03700025; 0370002501; 0370002502; 0370002503; 0370002504; 0370002505; and 0370002506 beginning at the southeastern quadrant of Kings Road (SR 1487) and Ganey Drive NE and continuing 230.58 feet northwest fronting Kings Road and 947.95 feet south to the run of Monks Branch (also known as Ricefield Branch). Continuing along the run of Monks Branch approximately 276.61 feet southeast and then 957.99 feet north back to the point of origin. These parcels total 5 acres.

Planning Board recommends approval for Tax Parcels 03700025, 0370002501, 0370002502, 0370002503, 0370002504, 0370002505 and 0370002506 (unanimous 7 to 0).

Item 2 (Z-457 – Coastal Land Design, PLLC) Mr. Bell requested to amend Item 2 in that Tax Parcels 11100006 and 1110000602 have been withdrawn by the property owner.

Item 2 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of all of Tax Parcels 11100006; 1110000602; and a portion of 12500047, beginning approximately 2647 feet east of the southeast quadrant of Danford Road (SR 1513) and Huron Lane and continuing 2249.57 feet east fronting Danford Road. Then 301.99 feet southwest; 887.04 feet south; 413.16 feet southeast; 792.00 feet northeast; 138.60 feet southeast; and 1308.78 feet northeast crossing Danford Road (SR 1513). Continuing 289.74 feet north; 421.08 feet west; 564.96 feet north; 755.04 feet west; 309.54 feet north; 347.82 feet northwest; 1160.40 feet northeast; 2121 feet northwest; 989 feet northeast; 419 feet northwest; 53 feet west; 232 feet northwest; 397 feet southwest; 228 feet west; 65 feet south;

1443 feet west; 594 feet northeast; 135 feet northwest; 1462.56 feet northeast; approximately 1310 feet north; 50 feet south and approximately 900 feet north along Prong Branch to its intersection with Mill Creek Road SE (SR 1514). Continuing approximately 1520.25 feet east fronting Mill Creek Road, then 1525.45 feet southeast; 2120.58 feet northeast; 1834.14 feet southeast; 617.10 feet west; 662.64 feet southwest; 669.90 feet northwest; 1547.70 feet southwest; 1370.16 feet south; 306.24 feet east; 1813.02 feet south; 256.08 feet southeast; 1973.40 feet south; 499.62 feet southeast; 879.78 feet southwest; 358.38 feet south; 281.82 feet southeast; 331.32 feet southwest; 1065.24 feet west; 279.84 feet north; 865.26 feet northwest; 1332.54 feet south; 748.44 feet southwest; 1617.66 feet northwest; 1322.64 feet southeast; 972.18 feet northwest and 2704.7 feet north back to the point of origin. These tracts total 1045.1 acres. Planning Board recommends approval for Tax Parcel 11100006, 1110000602, and a portion of 12500047 (unanimous 7 to 0).

Item 3 (Z-458 – Howard T. Capps)

Item 3 is a map amendment initiated by the property owner. This change from C-LD (Commercial Low Density) and RU (Rural) to MR 3200 would allow for multi-family use of all of Tax Parcel 1680006502; and portions of Tax Parcels 16800056 and 1680006507 beginning approximately 940 feet west and then 233.60 feet south of Green Swamp Road (NC 211) and Ocean Highway West (US 17) and continuing 305.27 feet south; 972.14 feet southwest; 227.76 feet south; 780.55 feet southwest; 605.54 feet west; 150.36 feet north; 32.77 feet west; 177.39 feet north; 170.27 feet southeast; 950.25 feet north; 355.06 feet northwest; 60.84 feet southeast; 173.31 feet northeast and 452.43 feet east back to the point of origin. This area totals 20.41 acres. Planning Board recommends approval for Tax Parcel 1680006502 and portions of Tax Parcels 16800056 and 1680006507 (unanimous 7 to 0).

(Exhibit Book 51, Attachment #5)

PUBLIC COMMENTS

1. Frank Braxton, Coastal Land Designs spoke in behalf of the owners in support of Item 2 of the proposed amendment.
2. Howard Capps, Land Planner spoke in support of Item 3 of the proposed amendment.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 6:57 p.m. The vote of approval was unanimous.

PUBLIC HEARING

2. Deeds of Conveyance Requirements Prior to Recordation

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:57 p.m. and announced that the purpose of the Public Hearing was to receive comments regarding Deeds of Conveyance Requirement Prior to Recordation. Jana Berg, Assistant County Attorney explained that the County currently assigns parcel numbers to deeds prior to recordation and these numbers become of less value over time. It will be an advantage for the County to discontinue the practice of assignment of parcel numbers to deeds prior to recordation.

(Exhibit Book 51, Attachment #6)

PUBLIC COMMENTS

Dennis Winters, an appraiser that works in this State spoke in support of keeping parcel numbers on deeds to aid in property location. Mr. Winters believes that parcel updates within a week of recordation is a possibility but may become cumbersome in the future.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 7:00 p.m. The vote of approval was unanimous.

VIII. ADMINISTRATIVE REPORT

1. Planning – Map Amendment Z-05-10 - (Leslie Bell)

Staff recommends that the Board of Commissioners approve Second Reading of Map Amendment Z-05-10.

Leslie Bell, Planning Director explained Item 1, Item 2 as amended and Item 3 of Map Amendment Z-05-10.

Vice-Chairman Norris requested to be recused from Item 3. Commissioner Sue moved to recuse Vice-Chairman Norris from Item 3. The vote of approval was unanimous.

Commissioner Sue moved to approve Second Reading and Adoption of Items 1 and Item 2 as amended of Map Amendment Z-05-10 consistent with the CAMA Land Use Plan. The vote of approval was unanimous.

Commissioner Sue moved to approve Second Reading and Adoption of Item 3 of Map Amendment Z-05-10 also consistent with the CAMA Land Use Plan (Norris recused). The vote of approval was unanimous (4 ayes). (**Exhibit Book 51, Attachment #7**)

2. Planning – Map Amendment Z-05-11 — (Leslie Bell)

Staff recommends that the Board of Commissioners approve First Reading of Map Amendment Z-05-11 and set a Public Hearing for February 6, 2006 at 6:30 p.m.

Leslie Bell, Planning Director explained the following:

Item 1 (Z-459 – Howard T. Capps)

Item 1 is a map amendment initiated by the property owner. This change from RU (Rural) to R-6000 (Medium Density Residential) would allow for residential use of Tax Parcel 16800065 and portions of 1680006507 and 1680006502, beginning approximately 1073 feet northwest of the northwestern quadrant of Green Swamp Road (NC 211) and Ocean Highway West (US 17) and continuing 582.03 feet northwest fronting Green Swamp Road. Then 421.06 feet southwest, 530.78 feet northwest, 799.26 feet west, 723.70 feet north, 300 feet west, 301.47 feet north and 442.49 feet northwest fronting Big Macedonia Road (SR 1342). Then 300.23 feet south, 526.82 feet west, 671.82 feet southwest, 268.05 feet south, 421.60 feet southeast, 419.47 feet north, 1078.32 feet southeast, 177.39 feet north, 170.27 feet southeast, 950.25 feet northeast, 339.75 feet north, 60.84 feet east, 159.44 feet north, 452.43 feet east and 233.6 feet north back to the point of origin.

The area proposed for rezoning totals 60.13 acres.

Planning Board recommends approval for Tax Parcels 16800065 and portions of 1680006507 and 1680006502 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 2 (Z-460 - Crystal Babson/Jim McSwain)

Item 2 is a map amendment initiated by the property owner and contains two (2) areas. This change from R-7500 (Low Density Residential) to MR 3200 (Multifamily Residential) will allow for multi-family use of Tax Parcels 230ME001, 230ME002, 230ME003, 230ME004, 230ME005, 2300007109 and 2300007118 (Requested by the Applicants) and Parcel 230ME00101 (Added by Staff).

Area one beginning approximately 694 feet east of the southeastern quadrant of Boones Neck Road (SR 1137) and Bowman Street SW and continuing 65.00 feet northeast fronting Bowman Road, then 554.93 feet southeast, 93.33 feet southwest and 543.78 feet northwest back to the point of origin.

Area two beginning at the northeastern quadrant of Boones Neck Road (SR 1137) and Harbour Estates Drive SW and continuing approximately 600 feet northeast fronting Boones Neck Road. Then approximately 250 feet south, 420 feet northeast, 2439.81 feet south and approximately 230.01 feet west fronting the Intracoastal Waterway. Continuing 161.00 feet north, 214.72 feet northwest and 395.66 feet north to Harbour Estates Drive SW. Continuing along Harbour Estates Drive SW 565 feet north and then 410 feet north and 300 feet northwest back to the point of origin. These areas total 17.64 acres.

Planning Board recommends approval for Tax Parcels 230ME001, 230ME002, 230MD003, 230ME004, 230ME005, 2300007109, 2300007118, and 230ME00101 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 3 (Z-461 - Norris, Kuske & Tunstall Consulting Engineers, Inc.) [Phil Norris]

Item 3 is a map amendment initiated by the property owner. This change from RU (Rural) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 2030001601, beginning 1464.13 feet north of the northwestern centerline of Southport-Supply Road (NC 211) and Midway Road (SR 1500) and continuing 209.33 feet north fronting Midway Road. Then 741.35 feet west, 20.35 feet southwest, 67.97 feet northwest, 232.56 feet southwest and 910.68 feet east back to the point of origin.

This tract encompasses 3.90 acres.

Planning Board recommends approval for Tax Parcel 2030001601 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 4 (Z-462 - Wayne Smith)

Item 4 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to C-LD (Commercial Low Density) will allow for commercial use of a portion of Tax Parcel 2110000606, beginning approximately 550 feet east and then approximately 200 feet north of the northeastern quadrant of Ocean Highway West (US 17) and Longwood Road (NC 904) and continuing 773.70 feet north, 589.97 feet northeast, 573.51 feet east, 965.51 feet south, 947.41 feet west and 236.59 feet southwest back to the point of origin.

This area totals 20.95 acres.

Planning Board recommends approval for Tax Parcel 211000606 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 5 (Z-463 - ETd) [Suzanne Prince]

Item 5 is a map amendment initiated by the property owner. This change from C-LD (Commercial Low Density) to MR-3200 (Multifamily Residential) would allow for multi-family use of Tax Parcels 232LA001, 232LA002, 232LA003 and 232LA00303, beginning approximately 418 feet east of the northeastern quadrant of Old Ferry Road (SR 1121) and B-Var Road (SR 1211) and continuing 293.5 feet north, 352.3 feet east, 640.8 feet south; and 249.70 feet

west fronting the Intracoastal Waterway. Then 298.8 feet north and approximately 100 feet west back to the point of origin.

These tracts total 4.10 acres.

Planning Board recommends approval for Tax Parcels 232LA001, 232LA002, 232LA003, and 232LA00303 (6 to 0 with Mr. Lewis being absent from the meeting).

Item 6 (Z-464 - John Bortone)

Item 6 is a map amendment initiated by the property owner. This change from RU (Rural) to R-6000 (Medium Density Residential) will allow for residential use of Tax Parcel 1390007504, beginning approximately 270 feet southeast of the southwestern quadrant of Old Ocean Highway (US 17 Business) and George T. Bryant Road (SR 1510) and continuing 128.65 feet southeast fronting George T. Bryant Road. Then 103.77 feet southwest, 129.80 feet south, 150.00 feet southeast, approximately 107.3 feet east, 156.80 feet southeast fronting George T. Bryant Road, 1714.38 feet southwest, 303.84 feet north, approximately 152.42 feet west, 1486.15 feet northeast, 486.95 feet north and 107.22 feet northeast back to the point of origin.

This tract totals 12.88 acres.

Planning Board recommends approval for Tax Parcel 1390007504 (5 to 1 with Mrs. Franks opposing and Mr. Lewis being absent from the meeting).

Item 7 (Z-465 - Haden Stanziale, PA)

Item 7 is a map amendment initiated by the property owner. This change from RU (Rural) to R-7500 (Low Density Residential) would allow for residential use of a portion of Tax Parcel 04600060, beginning approximately 500 feet northwest of the northwestern quadrant of Buckeye Road (SR 1415) and Chinaberry Lane NE and continuing 1728.93 feet west and approximately 3061.73 feet northwest along the run of Goodman Branch. Then 2115.00 feet north, 1320.42 feet northeast, 1473.34 feet north, 348.97 feet west, 1456.04 feet northeast, 1361.10 feet south and 2097.40 feet southeast to the Sunny Point Railroad right-of-way. Continuing 5565.47 feet south adjacent to the Sunny Point Railroad right-of-way, 104.66 feet west, 584.44 feet southwest, 577.00 feet east and 1017.82 feet west back to the point of origin.

This request totals 558.8 acres.

Planning Board recommends approval for Tax Parcel 04600060 (6 to 0 with Mr. Lewis being absent from the meeting).

Vice-Chairman Norris requested to be recused from Item 1 and Item 3. Commissioner Sue moved to recuse Vice-Chairman Norris from Items 1 and 3. The vote of approval was unanimous.

Commissioner Moore moved to approve First Reading and set a Public Hearing for February 6, 2006 at 6:30 p.m. for Items 2, 4, 5, 6, and 7. The vote of approval was unanimous.

Commissioner Moore moved to approve First Reading and set a Public Hearing for February 6, 2006 at 6:30 p.m. for Item 1 and Item 3 (Norris recused). The vote of approval was unanimous (4 ayes).

(Exhibit Book 51, Attachment # 8)

3. Planning – Zoning Ordinance Text Amendment Z-05-12 – (Leslie Bell)

Staff recommends that the Board of Commissioners approve First Reading of Zoning Ordinance Text Amendment Z-05-12 and set a Public Hearing for February 6, 2006 at 6:30 p.m.

Leslie Bell, Planning Director explained that the Planning Board's Public Hearing was held on December 12, 2005.

The proposed changes are to bring the current Brunswick County Zoning Ordinance into compliance with new Planning Legislation in S.B.814 and S.B.518 effective January 1, 2006.

Item 1 is a text amendment to Article 3. Decision-Making and Administrative Bodies, Section 3.2.(B) Planning Board to insert two (2) additional guiding principals to Section 3.2 of the Zoning Ordinance as a result of the state statutory changes to 1) ensure consistency of the proposed amendment with the Comprehensive Plan or any other adopted land use document and 2) ensure reasonability of the proposed amendment as it relates to the Comprehensive Plan and in the public interest. There were no public comments.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 2 is a text amendment to Article 3. Decision-Making and Administrative Bodies, Section 3.3 Board of Adjustment to insert the authority to subpoena witnesses and compel the production of evidence in relation to the Board of Adjustment as a result of the state statutory changes. There were no public comments.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 3 is a text amendment to Article 5. Development Standards, Section 5.27 Design Standards, add Item (L) "Development Agreements", giving the authority to have development agreements as a result of the state statutory changes. Development Agreements may be considered as specified in N.C.G.S. 153A-376 in accordance with the following minimum criteria:

1. The property must have at least 25 developable acres (excluding wetlands, unbuildable slopes, etc.).
2. The Development Agreements shall be limited to a term not exceeding 20 years.
3. Development Agreements are subject to public hearing procedures set forth in N.C.G.S. 153A-323 and must be adopted by the Brunswick County Board of Commissioners.
4. Development Agreements are binding and must be recorded at the Brunswick County Register of Deeds. Once executed, the agreement shall run with the property, never the person or corporation. There were no public comments.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Commissioner Sue moved to approve First Reading and set a Public Hearing for February 6, 2006 at 6:30 p.m. for the proposed Zoning Ordinance Text Amendment Z-05-12. The vote of approval was unanimous. (**Exhibit Book 51, Attachment #9**)

4. Planning – Subdivision Ordinance Text Amendment 05-01 - (Leslie Bell)

Staff recommends that the Board of Commissioners approve First Reading of Subdivision Ordinance Text Amendment 05-01 and set a Public Hearing for February 6, 2006 at 6:30 p.m.

Leslie Bell, Planning Director explained that the proposed changes are to bring the current Brunswick County Subdivision Ordinance into compliance with new Planning Legislation in S.B.814 and S.B.518 effective January 1, 2006 (Items 1 through 4. Items 5, 6, and 7 are local recommendations unrelated to S.B.814 and S.B.514).

Item 1 is a subdivision amendment to Article I, General Provisions, Section 1-11 (Definitions), Item 76 to revise the definition of subdivision as a result of the state statutory changes to clarify that a creation of a single lot new parcel is considered a subdivision.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 2 is a subdivision amendment to Article I, General Provisions, Section I-9 (Exclusions & Exceptions), Item 10 to remove the minimum acreage sale exception as a result of the state statutory changes to clarify that the creation of a single new parcel is considered a subdivision. Current exception conflicts with Item 1 above.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 3 is a subdivision amendment to Article 3, Required Improvements & Minimum Standards of Design, Section III-4 (Subdivision Design) to add Item 4.4 to insert the authority to have development agreements as a result of the state statutory changes.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 4 is a subdivision amendment to Article IV, Administrative Provisions, Section IV-4 (Penalties for Violation), Item 4.1. to remove wording to allow pre-sale and pre-lease contracts of lots prior to final plat approval and recordings to Section IV-4 of the Subdivision Ordinance as a result of the state statutory change.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 5 is a subdivision amendment to Article II, Procedure for Review & Approval of Plats, Section II-3 (Minor Subdivision Procedure), Item 3.5 (J) to remove the address of owner for a minor subdivision final plat approval.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 6 is a subdivision amendment to Article II, Procedure for Review & Approval of Plats, Section II-4 (Major Subdivision Procedure), Item 4.2(B)(14) to remove the address of owner for a major subdivision preliminary plat approval.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Item 7 is a subdivision amendment to Article II, Procedure for Review & Approval of Plats, Section II-4 (Major Subdivision Procedure), Item 4.3(C)(12) to remove the address of owner for a final plat major subdivision approval.

Planning Board recommends approval (6 to 0 with Mr. Lewis being absent from the meeting).

Commissioner Moore moved to approve First Reading and set a Public Hearing for February 6, 2006 at 6:30 p.m. for the proposed Subdivision Ordinance Text Amendment 05-01. The vote of approval was unanimous. (**Exhibit Book 51, Attachment #10**)

5. Emergency Services – Memorandum of Agreement - (*Randy Thompson*)

Staff recommends that the Board of Commissioners approve a Memorandum of Agreement (MOA) between Brunswick County and the State Division of Emergency Management (Critical Infrastructure Protection Funds) and appoint the Emergency Services Director as Designated Agent and County Point of Contact for this project.

Scott Garner, EMS Deputy Director/Fire Marshall explained that the US Department of Homeland Security has awarded the State of North Carolina with funds related to terrorism and weapons of mass destruction preparedness. The State Division of Emergency Management has been tasked with distributing these funds to the counties in North Carolina. This MOA is an agreement between the state and Brunswick County to provide said funding. Brunswick County will be provided with a total of \$50,000.00. The funds were approved by the state upon a review of a vulnerability reduction purchasing plan filed by the Emergency Services Department with the assistance of the Brunswick County Sheriff's Office. The funds are designed to assist local responders with buffer zone protection measures for identified facilities within our county. The county will initially purchase the equipment and then submit receipts to the state for reimbursement. No matching funds are required. Staff also requests that the Board appoints Randy Thompson, Emergency Services Director as the Designated Agent and Designated Point of Contact for this project.

Commissioner Rabon moved to approve the Memorandum of Agreement between Brunswick County and the State Division of Emergency Management (Critical Infrastructure Protection Funds) and appoint the Emergency Services Director as Designated Agent and County Point of Contact for this project. The vote of approval was unanimous. (**Exhibit Book 51, Attachment #11**)

6. Town of Sunset Beach – Stormwater Agreement - (*Marty Lawing*)

Staff recommends that the Board of Commissioners approve an Interlocal Agreement between Brunswick County and the Town of Sunset Beach for the administration of Stormwater Management Regulations.

Marty Lawing, County Manager explained that the Town of Sunset Beach requested assistance from Brunswick County in the administration of stormwater regulations within the Town limits. The Town plans to adopt Brunswick County's Stormwater Quality Management and Discharge Control Ordinance. Since the Town of Sunset Beach does its own building inspections, the Town's Building Department will refer all projects that include activities within the scope of the ordinance to the County's Engineering Department. The County will retain all stormwater permit and inspection fees collected within the Town as compensation for the services provided. The Board of Commissioners approved this agreement on November 7, 2005 contingent upon Town approval. The Town has requested several minor changes to clarify the agreement. The changes include the following:

- Section 1. Add words "notification of" in last sentence to clarify that the Town will adopt any changes that the County makes to its Stormwater Ordinance within 90 days of receiving notification that the ordinance has been amended.

- Section 5. Add the word "map" between zoning amendments to clarify that the Town will report only rezonings or map amendments to the County as that is all that would be needed for stormwater administration.

- Section 7. Add sentence "The County will provide in writing to the Town the standard operating procedures for permit issuance, inspections, administration and enforcement of violations".

- Section 13. Notices to be sent to the Town Administrator instead of the Town Clerk.

The County currently provides stormwater management and administration services for the municipalities of Belville and St. James.

Vice-Chairman Norris moved to approve the Interlocal Agreement between Brunswick County and the Town of Sunset Beach for the administration of Stormwater Management Regulations. The vote of approval was unanimous. (**Exhibit Book 51, Attachment #12**)

7. Town of Leland – Water Agreement - (*Marty Lawing*)

(Tabled under Adjustments to the Agenda)

Staff recommends that the Board of Commissioners approve a wholesale water purchase agreement between Brunswick County and the Town of Leland for water.

(Exhibit Book 51, Attachment 12A)

IX. BOARD APPOINTMENTS

1. Voluntary Agricultural District Board

Commissioner Moore nominated Mary Earp and Whitney King. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the Voluntary Agricultural District Board recommended appointments of Mary Earp and Whitney King. The vote of approval was unanimous. Ms. Earp and Mr. King will serve another three-year term that will expire January 15, 2009.

2. Nursing Home and Adult Care Home Community Advisory Committee

Commissioner Sue nominated Elgie Jones. Commissioner Rabon moved to close the nominations. The vote of approval was unanimous. Commissioner Moore moved to approve the appointment of Elgie Jones. The vote of approval was unanimous. Mr. Jones will serve a three-year term that will expire February 1, 2009.

3. Southeastern Economic Development Commission

Commissioner Sue nominated Mike Reaves. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Commissioner Moore moved to approve the appointment of Mike Reaves. The vote of approval was unanimous. Mr. Reaves will serve a three-year term that will expire January 1, 2009.

4. Town of Carolina Shores – Planning & Zoning – ETJ Representative

Vice-Chairman Norris nominated Ruth Martin as the ETJ representative to the Carolina Shores Planning the Zoning Board. Commissioner Sue moved to close the nominations. The vote of approval was unanimous. Commissioner Sue moved to approve the recommended appointment of Ruth Martin as ETJ representative to the Carolina Shores Planning and Zoning Board. The vote of approval was unanimous.

5. SE Economic Development Executive Board (Added under Adjustments to the Agenda)

Vice-Chairman Norris nominated Steve Johnson. Commissioner Rabon moved to close the nominations. The vote of approval was unanimous. Commissioner Moore moved to approve the appointment of Steve Johnson. The vote of approval was unanimous.

X. COUNTY ATTORNEY'S REPORT

1. Resolution – Discontinue Parcel Numbers

Staff recommends the Board of Commissioners approve a Resolution to Discontinue Assigning Parcel Numbers Prior to Recordation.

Jana Berg, Assistant County Attorney explained that the County of Brunswick currently assigns parcel numbers to deeds prior to recordation and the numbers used become of less value over time; technology has improved in the realm of mapping and the County has maintained both a digital and hard copy mapping system; and in order to provide for the possible electronic recordation of deeds and to eliminate customer delay in recording of deeds it is advantageous to the County of Brunswick and its citizens to discontinue the practice of assignment of parcel numbers to deeds prior to recordation.

Commissioner Moore moved to approve a Resolution to Discontinue Assigning Parcel Numbers Prior to Recordation. The vote of approval was unanimous. (**Exhibit Book 51, Attachment # 13**)

RESOLUTION TO DISCONTINUE ASSIGNING PARCEL NUMBERS TO DEEDS PRIOR TO RECORDATION AND TO ASSIGN NORTH CAROLINA STATE PLANE PIN NUMBERS AND PARCEL TRACKING NUMBERS TO DEEDS AFTER RECORDATION

WHEREAS, the County of Brunswick currently assigns parcel numbers to deeds prior to recordation and the numbers used become of less value over time; and

WHEREAS, technology has improved in the realm of mapping and the County has maintained both a digital and hard copy mapping system; and

WHEREAS, in order to provide for the possible electronic recordation of deeds and to eliminate customer delay in recording of deeds, it is advantageous to the County of Brunswick and its citizens to employ discontinuing the practice of assignment of parcel numbers to deeds prior to recordation.

NOW THEREFORE, the Brunswick County Commissioners are hereby resolved that effective immediately, the County will discontinue the assignment of parcel numbers to deeds prior to recordation and to implement the assignment of North Carolina State Plane PIN numbers and a parcel tracking number to deeds after recordation.

This the 3rd day of January, 2006.

s/David R. Sandifer, Chairman
Brunswick County Commissioners

Attest:
s/Deborah S. (Debby) Gore, Clerk to the Board

2. Resolution – Voting Equipment

Staff recommends the Board of Commissioners approve a Resolution Supporting the Solicitation of New Voting Machine Vendors and Implementing a Delay in Implementation of New Voting Machine Requirements.

Jana Berg, Assistant County Attorney explained that the State of North Carolina has ratified Senate Bill 223 which, among other things, requires that all voting systems generate either a paper ballot or a paper record by which voters may verify their votes before casting them. To ensure the standardization of the purchase of the newly required voting equipment, the State Board of Elections solicited and approved five voting system vendors to insure that every county could purchase voting equipment at the same prices statewide; however, of the five approved only one vendor has not withdrawn their offers. Staff feels it is in the best interests of the citizens of Brunswick County that competitive sourcing be employed in the purchase of new voting equipment.

Commissioner Sue moved to approve the Resolution Supporting the Solicitation of New Voting Machine Vendors and Implementing a Delay in Implementation of New Voting Machine Requirements and also authorize the Chairman to send a letter to the Governor and Local Representative including Representative Hill. The vote of approval was unanimous.
(Exhibit Book 51, Attachment # 14)

Resolution Supporting the Solicitation of New Voting Machine Vendors and Implementing a Delay in Implementation of New Voting Machine Requirements

WHEREAS, the State of North Carolina has ratified Senate Bill 223 which, among other things, requires that all voting systems generate either a paper ballot or a paper record by which voters may verify their votes before casting them, and to provide handicap friendly voting systems;

WHEREAS, to ensure the standardization of the purchase of the newly required voting equipment, the State Board of Elections solicited and approved five voting system vendors to ensure that every county could purchase voting equipment at the same prices statewide;

WHEREAS, of the five vendors selected by the State Board of Elections, all but one vendor have withdrawn their offers, thereby leaving no vendors approved by the State Board of Elections competing to provide the requisite equipment;

WHEREAS, it is in the best interests of the citizens of Brunswick County that competitive sourcing be employed in the purchase of new voting equipment; and

WHEREAS, the State Board of Elections decertified Brunswick County's voting system on December 1, 2005,

NOW THEREFORE, the Brunswick County Board of Commissioners, are hereby resolved to request of the North Carolina General Assembly to direct the State Board of Elections to temporarily recertify Brunswick County's voting system to allow for it to conduct the May 2006 primary election using its current voting equipment, to direct the State Board of Elections to solicit additional proposals for voting system vendors, and to allow for an extension of time in which to implement the new voting requirements, thereby permitting the solicitation of new voting machine vendors in order to promote free and open competition among vendors for the purchase of the newly required voting equipment.

FURTHER BE IT RESOLVED, the Brunswick County Board of Commissioners requests that the Chairman of the Brunswick County Board of Commissioners send a letter and a copy of this resolution to Governor Mike Easley, Senator R.C. Soles, Representative Bonner Stiller, Representative Dewey Hill and a copy be forwarded to all of the North Carolina Counties requesting their support for a similar resolution, with copies to be forwarded to the North Carolina League of Municipalities, and the North Carolina Association of County Commissioners.

Adopted this the 3rd day of January, 2006.

s/David R. Sandifer, Chairman
Brunswick County Commissioners

Attest:

s/Debby Gore, Clerk to the Board

3. **Closed Session (Removed under Adjustments to the Agenda)**

XI. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XII. ADJOURNMENT

Commissioner Sue moved to adjourn the Regular Meeting at 7:26 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board